IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1045 OF 2007

Sharad H. Beske ....Petitioner
V/s.
The State of Maharashtra & Ors. ....Respondents

Mr.V.S. Talkute for the Petitioner.
Mr.V.P. Malwankar, AGP for the Respondents.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 3RD APRIL, 2007.

P.C. :

1. By this Petition, the Petitioner impugns the order dated 21.11.2006, passed by the Scheduled Tribe Certificate Scrutiny Committee, Pune Region. The Petitioner claimed as belonging to Mahadeo Koli, S.T. The Petitioner's caste claim has been verified by the Committee. Vigilance report was called for, and opportunity was given to the Petitioner of meeting the contents of the enquiry report. The Petitioner was also given an opportunity of personal hearing. Statement of the Petitioner was recorded on 3.2.2000. The learned Committee after considering the documentary evidence and material pertaining to traits and characteristics arrived at a conclusion that the Petitioner had not established that he belonged to

Mahadeo Koli, S.T. and consequently rejected the Petitioner’s claim as belonging to Mahadeo Koli, S.T.

2. The learned counsel for the Petitioner submits that the Petitioner had relied on two documents, one of his uncle Dashrath Dhondiram Beske whose caste is shown as "Hindu M.Koli". He was admitted in the school on 1.3.1951. The next document relied upon is of his aunt Shalan Dhondiram Beske. The date of entry in the school is 20.6.1958. Both these documents are post Presidential Notification. Apart from that, they do not show that the said two persons belonging to Hindu Mahadeo Koli. It is not possible to draw the inference, that M.Koli must be read to mean as Mahadeo Koli. In our opinion, this is more so, as the grandfather Dhondi Shripati Koli’s caste was shown as Koli and the school records shows that he was admitted on 21.1.1921. Similarly the father of the Petitioner was admitted on 4.2.1949 and the school record shows his caste as Hindu Koli.

3. In our opinion, the documents of the grand-father and father have probative value. Apart from that, from the statement of the father, that the Committee has come to a conclusion that the father was unaware about the traits, characteristics, customs and

traditions of Koli Mahadeo, Scheduled Tribe. In our opinion, the Committee has applied the test laid down in the judgment of the Supreme Court in *Madhuri Patil's case.* In the light of that, no interference is called for. The Writ Petition is accordingly dismissed.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)